G. R. S. 59]

GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1903
191 p 16
(Municipal)

File No. 138 of 1903

Serial Nos. 1 — 5

Papers Filed.

Month November 1903

SUBJECT.

Complaint of L. Srinivasa Iyengar against the insufficiency of Compensation fixed for a portion of his house in Chickpetta, Bangalore City.

Indexed

PREVIOUS REFERENCES.

LATER REFERENCES.

Countermarked
K.R.

Office Note

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Branch Local Boards

Letter No 368 dated 24th October 1903 from the Deputy Commissioner Bangalore District

Subject

Memorial No 304 dated 23rd July 1903 from Srinivasangar Chikballapur addressed to His Highness the Maharaja of Mysore (through the Private Secretary) Complaining against the insufficiency of Compensation of Rs 218-11-11 fixed for a portion of House No 6 in Uttarahalli Cross, Chikpet, Bangalore City and praying for orders directing payment of Rs 500 thereof has been received in the Secretariat for disposal

2. The above was forwarded to the Deputy Commissioner (as President of the City Municipality) Bangalore District, for disposal and report. The Deputy Commissioner now states that the portion of the House measuring 14 7/16 ft by 11 ft was demolished by the Sanitary Department in 1900 for widening

(19) No 368 dt 24-10-03

Value of a compensation claim of Rs 218-11-11 was fixed therefor at the rate allowed for similar houses, while the petitioner demands payment of Rs 580 on the ground that the house mortgaged by his mother-in-law for Rs 1000 was taken up; (2) that the mortgage deed for Rs 1000 was executed before the advent of plague, since which the value of the house properly has very much gone down; (3) that as compensation is not calculated on the sale (or mortgage) deed both on the basis of materials of the building taken up. The compensation also is unjust & fair (4) & that the Vice President has been instructed to arrange for payment of the amount.
Rs 218-11-11

The

(4)

3 The Vice President in his letter No 841 dated the 23rd September 1903, to the address of the Deputy Commissioner received as an enclosure to the letter under reference states that as the remaining portion of the house was so small as to be practically unfit for habitation the whole house ought to have been taken

Submitted for order

Dy 21.11.03 If the petitioner is not satisfied with the Asstt Commrs award he should have proceeded according to law by appealing to the District Judge He may if approved be informed accordingly or if the Municipality is in a position to acquire the remaining portion of the house which is said to be very small, the President may be asked to take steps and to fix an

No.
L. F.

Secretary's
MYSORE ~~DEWAN'S~~ OFFICE,
LOCAL BOARDS BRANCH.
The 190 3

ENDORSEMENT granted to Srinivasaiyangar
& Chikkaballapura

in reply to his Petition Registered No. 304 dated 22nd July 1903
Complainant's ~~Petition~~ re impugned of Compensation of
Rs. 218-11-11 fixed for a portion of his house no 6 in Ward No
Main Cross - Chikballapura, Bangalore &c -

Petitioner is informed that if he is not satisfied with
the Award - Proceedings according to law
proceedings before the Civil Judge -
has come to be sent by Regd Post to the Secretary
to Government

Draft - a opr orders

By order

Secretary
on 7/11/03

Memo

Let ~~the Secretary~~ Copy of the above
is forwarded to the Hon'ble Bangalore
with reference to his letter No 368 Dy 24-10-'03
~~& with a request that he will state~~
~~how the house is required~~, since the Municipality
is in a position to acquire the remaining portion
of the house, which is said to be so small as to be
unfit for habitation, and to request that the
procedure will be good enough to take

By Order,
Secretary.

Please to acquiesce and give a reasonable consideration therefor

14/11/03

"[illegible] to interfere in a matter of this kind where the remedy of the party is clearly laid down by law."

This is the endorsement referred to in my opinion dated 19.XI.03

L 261

Copy of the Private Secretary's D.O. letter dated 28.7.03

Two petitions & a letter (of which no. one) are herewith forwarded to the Secretary to the Govt of Mysore, General and Rev. Depts for disposal."

By order
(Signed) E. Macnaghten
Private Secy to H.H.

SECTION Municipal 1903-04
FILE No. No 13 & C
SERIAL No.
Name of Petitioner L. Srinivasiengar
Village clerk. Sub. Dy office
Taluk Chikballapur
District Kolar
Date of Arzi 22.7.03
Date of Receipt 30.7.03
Date of Disposal
No. of Enclosure Nil

J.D.C. Bangalore to D.C.

Secy

May this be transferred to the Local Board (Municipality) concerned for disposal.

-8-03

Transferred to the Local Board concerned for disposal

Secy

6/8
H.V.N.
Sig 6/10/03

A.S.ch
Sig 7/10/03

Memo to the D.C. Comr & Executive Engineer Bangalore Dist. forwarding petn for disposal and 51. to the Petr are hereby returned

Sig
7.8-03

ABSTRACT

Memorial to H. Highness the Maharaja of Mysore

Submits that house No. 6 situated in Kaltaraly Mall Lane Chikpet Bangalore city mortgaged to his mother-in-law (Chetanamah by one G. Narayana Iyengar came to his wife (the possession of his wife by inheritance; that in 1895 when there was a rumour that the said house would be acquired by Govt for widening the street, he informed Mr Leonard and

MGOPB—5,000—10-11-02

said Mr. Ouattara chetty about
the interest he had in the
house and has prayed that
the compensation amount be
paid to him. that if the house had to be
was acquired; that nothing
was done till 1900 when he
was called upon by Mr. Kuppusami
Naidoo the settlement officer to
produce documents to establish
his title; that he accordingly
produced the copy of the Heirship
certificate and a muchilika
was taken from him and he
was promised to be paid the compensation
amount; that while his case about
the. low compensation fixed was
pending, the house was knocked
down even before a payment of
the original rate fixed; that
the house owner in the meanwhile
removed all the materials of the
house and the by laws Mr. Venkat-
-Varadhiyar directed that the petr
should obtain the Signature of the house
owner to the muchilika of the amount of
compensation of Rs 200 should be paid to him;
that it is not possible to get the Signature of the
house owner who is trying to dupe him and that
the house was mortgaged for Rs 1000 and is valuable.
Prays that a compensation of Rs 500/- be paid to him

Recd from the Private Secy to H.H. with M 219 R 28-7-03 for disposal 30-7-03

OFFICE OF THE PRIVATE SECRETARY
27 JUL 1903
TO H. THE MAHARAJA OF MYSORE

MYSORE DURBAR'S OFFICE
PETITION DEPARTMENT
Regd. No. 304 R
DATE 30-7-1903

Recd 27.7.03

To

His Highness Sree Krishna Rajendra

Wodeyer Bahadur, G.C.I.,

Maharaja of Mysore.

304

May it please your Highness,

I the undersigned L. Sreenivasa Iyengar, clerk in the Sub-Divisional Office, Chik-ballapur, most loyally and respectfully beg to approach your Highness's august feet with my memorial with the sanguine hope that justice will be meted out to me at your Highness gracious hands.

The house Municipal door No.6, situated in Uttarady Mutt lane, Chik-pettah, Bangalore City, was mortgaged by one G.Narayana Iyengar to my mother-in-law Channamah. This property along with others came to the possession of my wife through inheritance.

So long back as 1895 a rumour was afloat that this house would be acquired by Government for widening the street.

With a view to keep the authorities informed about the real state of affairs concerning the house, and also to avoid matters taking a wrong turn afterwards, while still the scheme was under contemplation, I represented to Mr. Leonard the then President of the Municipality and to his successor Mr. Puttanna Chetty also, that I had an interest in the property, in as much as the same had been mortgaged to my mother-in-law, and that if the house should be acquired the full amount of compensation may be paid to me and not to the owner of the house. To my misfortune, no notice was taken of my representations till

till the year 1900, when Mr. Kuppusamy Naidu, the then General Assistant Commissioner ordered me through a notice that I should establish my claims to the property by producing the required references within seven days from the date of notice;failing which, the house would be acquired without my consent. Accordingly I produced the copy of the Heir-Ship Certificate to establish my right over the house in question. Mr. Seetharamiah, who had succeeded Mr. Kuppusami Naidu in the meantime, ordered me to submit a mutchalika and that the proper amount of compensation would be paid to me in due time as was done in the case of Others. The Deputy Amilder obtained the required mutchalika from me then and there. Subsequently I came to understand that the amount of compensation settled,was not according to the rate paid for adjacent lands and houses.

Regarding the injustice done to me in settling a low compensation for my house, I petitioned to the Deputy Commissioner Bangalore, neither this nor my subsequent representations resulted in any good being done to me, and what distressed to me more was,that my house was knocked down without even the original fixed low compensation being paid to me.

I then waited upon Mr. Seetharamiah the settlement officer with the hope that he would settle the same, but after making me wait for 20 days, he was pleased to order that the records would be submitted to the Deputy Commissioner for his decision.

In the meantime, the owner did away with all the materials of the pulled-down house. In the place of a big house which was mortgaged for no less a sum than Rs.1,000/- a bare site was all that was left to the lot of the mortgagee.

Subsequently I represented my hard lot to Mr.B.K. Venkataverada Iyengar, when he was Deputy Commissioner Bangalore

Bangalore District, and he was pleased to order that sum of Rs.200/- and odd would be paid to me for half the house acquired, on condition that I should obtain the signature of the owner to the mutchalika I submitted. Your Highness may be pleased to observe that this order entails too much hardship upon the poor mortgagee, in as much as the mortgagor who is trying to dupe the mortgagee and who knows full well that he will in no way be benefitted by it, is the last man to come forward to sign the mutchalika.

I now appeal to your Highness's wonted generosity and kindness to send for all the records of my pitiable case, a kind perusal of which will, I am confident, convince your Highness of the grave irregularities on the part of the officers concerned and the injustice and hardship that I was made to bear through no fault of my own. I humbly beg to represent also that myself being a Government servant of your Highness' Government, I did not think it prudent to take civil action against the Government. The house situated as it was in the heart of the City was in no way a small property to one in my position. A sum of Rs.1,000/- had been advanced on the same property, the dilapidated condition of which, now renders me absolutely helpless and at the mercy of my debtor.

In conclusion I most respectfully pray that your highness will kindly consider the facts of my pitiable case and order for the payment of the proper amount of compensation ie. Rs.500/- which is half the amount for which the whole house has been mortgaged, and thus earn the esteem and gratitude of a poor, humble and loyal subject and servant of your Highness.

I remain

Your Highness,

Your Highness' most loyal and humble subject and servant,

K. Krishnaswamy

Clerk, Sub-Division Office,

Chik-ballapur, Kolar District.

22nd July 1903.

Chik-ballapur.

SECTION Miscl.

FILE No. 124 of 1903

SERIAL No. 2

6

Mysore Govt. Revenue Secl
Secretariat

August 1903.

(2)

Offl Memorandum

Does not refer to disposal? If not, a statement of such petitions in the form required by the Govt. would be useful. Please let me have draft from Petn. Depts. 14/8

See Govt. order No. 296-935 11-9-03

Issued a memo. to the Petition Depts: HB 18/8/03

Sent to Petn. Branch 19/8/03

Recd 19/8/03

Rs 815 — 19/8/03
L.J. 51-02

Mysore petns

The accompanying Memorial Regd No 304/2261 of the 22nd July 1903 of L. Sreenivasayya, Clerk, Sub-Division Office, Chickballapur, to His Highness the Maharaja, received at the Govt Office, representing that the Compensation of Rs 200 and odd decided for the portion of House No 61 in the Attara Mutt Lane Chikpetta, Bangalore City acquired for the widening of the Lane, is very low, & claiming Rs 500 as compensation and praying that the amount may be ordered to be paid to him is forwarded to the Dy Comr Bangalore Dist & President of the Bangalore City Mutt for speedy disposal and report

'By order'

HB 19/8/03

for Secretary

SECTION Rural

FILE No. 1380/03

SERIAL No. 3

Mysore Govt Revd Secretariat

August 1903

(3)

Endorsement granted to L. Sreenivasaraghavan, Clerk, Sub-Division Office, Chikballapur, in reply to his memorial to His Highness the Maharaja, Regd No 304 of 22nd July 03 praying for the settlement of his claim for the portion of house No 106 in the Hillarade Mohalla Lane, Chikballapur, Bangalore city, acquired for the widening of the lane.

R. No. 816 9/7/03
L.T. 57-02

Petitioner is informed that his petition has been forwarded to the Deputy Commr Bangalore with a request that the Bangalore City may be asked for speedy disposal

By Order

for

Secretary

9/7/03

9/7/03

SECTION Miscl.

FILE No. 12 & 03

SERIAL No. 4

27-10-3 1903 Ltr 4 8 L85 4)

From The Dy Commissioner Bangalore

To The Secy to the Govt of Mysore Rev and Genl Depts

Dated 24th
Despatched 26th } Octr 1903
Received

General No.
8 No. 368

Enclosure No One Petn & copy

Secys official memorandum No 515 1751-02 of 17th August 1903.

States that the petitioner Sreenivasiengar Clerk Sub Divl Office Chikkaballapur states that the Commissioners order for fixation of his pay in Chikkaballapur Bangalore Dt is low has been disobeyed and that the sum fixed is sufficient

27.
27/10

Rev
9/11/03

Micfd 50 rooms 6-12-03. Submitted with file
2-11-03

S.N. 368
In: outlet-in
copy

Bangalore District
By Commissioner's Office
Bangalore 24th October
1903

From

M. H. Sharkey Esq
By Commissioner
Bangalore District.

To.

The Honble Rajamundry Esq Officiating
Secretary to the Government
Revenue and Canal Depts

Sir,

With reference to your
official memo No. 815 5.22
1751-02 dated 17th August
1903, forwarding for disposal and
report, a petition from L. Srinivasiengar
Clerk Sub Division office, Chikkaballapur.

I have the honor to state that, a
portion that is only 14 9/16 cubicmeters
of

of the petitioner's house no 6 in the Uttaradhi Matt lane Chikkapetta, Bangalore city was demolished by the sanitary department in case for widening a lane. The Compensation for the portion so acquired was fixed at Rs 218-11-11. His contention is that the award is very low and alleges that the house was obtained by mortgage for a sum of Rs 1000 and as exactly half of the house has been taken up, the amount to be given to him should not be less than Rs 500/-

The Vice President to whom the matter was referred for a report has fully dealt with it in his docket no 841 dated 21st September 1953 (copy enclosed)

2 I further beg to state that I also inspected the spot in company with the Vice President and I find that this man traces his claim on

on the mortgage deed which was executed prior to the appearance of plague and since when property has depreciated in value in the city to a considerable extent - certainly to more than half. Under these circumstances, I consider the Compensation offered Viz Rs 218-11-11 sufficient.

3. The petitioner has been informed accordingly by an endorsement.

4 I have also instructed the Vice President to arrange for the payment of the said amount. (Rs 218-11-11).

5. The petition (abbeal) is, herewith, returned.

I have the honor to be,

Sir,

Your most obedient Servant,

Ag Secretary

By Commissioner

Letter No 841 of the 23rd September 1903, from the Vice President Municipal Commission Bangalore City to the Dy Commissioner Bangalore District &c. &c. &c.

His No 423 dated 22nd August 1903, forwarding for report the petition of C Srinivasayya, received from Government complaining that the amount of Compensation fixed for his house in Chikka Petta Viz Rs 245/- is very low and that he should be given Rs 500/-

I have the honour to forward herewith, the file of papers connected with the Complaint for reference and obliging return and to state that a portion measuring 1 Ch 9/16 Cunkanams of house No 6 in the Withana Math Lane Chikkapetta Bangalore City was demolished by the Sanitary Works Department for

for widening a lane in front. Compensation for the front portion of the house has been fixed at Rs 15/- per cubic yard and for the back part at Rs 7/-. The value of the vacant land was settled at the usual rate of Rupee one per square yard. But the petitioner who is the son-in-law of the mortgagee of the house did not accept the compensation offered on the ground that it was low and the question has remained unsettled so long. The petitioner has produced a registered document to prove that the house was mortgaged to his mother in law for Rs 1000/-. His complaint is that he should be given a compensation of Rs 500/- instead of Rs 200/- and odd settled by the Assistant Commissioner, Bangalore Division, on the ground that the portion acquired

is

is quite half of the whole building. The undersigned suspected the shot and made local enquiries. The house was situated in a lane not very far from the main road of Chika Petta. It was a tiled roofed house. The deed refers to a transaction prior to the advent of Plague in the city since which the value of house property has very much gone down. The rate of Compensation laid for similar houses in the neighbourhood does not exceed the rate offered in this case and as payments have all along been calculated with reference to nature and extent of buildings and not when sale deed the compensation fixed by the Assistant Commissioner viz Rs 218-11-11 appears to be fair. But as the remaining portion of the house was so small as to be practically unfit

unfit for habitation. The whole house ought to have been acquired

Another point to be considered in this case is whether the petitioner who is only a mortgagee is entitled to payment of compensation without reference to the owner of the house - The petitioner appears to have been called upon by a former President to obtain the owner's signature to the mutchulka executed by him. This, he has not done

Copy

Lt Sparkes

Dy Commissioner

Bangalore District

SECTION

FILE No.

SERIAL No. 5

(5)

No. 2037
L. F. 51-62

Secretariat

MYSORE REVENUE OFFICE,
LOCAL BOARDS BRANCH.

The 25/11/03 190

Thanks. There is no enhancement proposed
25/11/03

ENDORSEMENT granted to Sreenivasaengar, Clerk in the Sub-Divisional office, Chikkballapur in reply to his Petition Registered No. 304 dated 22nd July 1903 complaining of the insufficiency of compensation of Rs 218-4-11 fixed for a portion of his house No 6 Petitioner is informed that in the Uttaradi Matt Lane Chikkpetta, Bangalore City.

—a—

Petitioner is informed that Government declines to interfere in a matter of this kind, where his remedy is clearly laid down by law

By order

[Dewan's order]

Secretary

24/11/03.

Memo No 2038 / L.F. 51-02 / 25/11/03

Copy of the above is forwarded to the Deputy Commissioner, Bangalore District, with reference to his letter No 368 dy 24th Oct: 1903

By Order,

Secretary.

Subd to 2nd Commissr.

24/11/03

21/11/03